

Appl. No. 10/527,484

Amdt. dated Jan. 11, 2007

Reply to Office Action and Non-Compl. Amdt. of Dec. 27, 2007

REMARKS

In view of both the supplementary amendment presented above to the Applicant's prior amendment mailed November 9, 2007 and the following discussion, the Applicant submits that all the claims now pending in the application fully conform with the provisions of MPEP § 821.03. Hence, the Applicant's prior amendment, as now supplemented, is fully responsive to the prior office action mailed August 9, 2007. Moreover, the Applicant believes that all those claims are now in allowable form.

Non-Compliant Amendment, Examiner interview

Through the present Office Action, the Examiner stated that the Applicant's prior amendment mailed November 9, 2007 was non-compliant, specifically with MPEP § 821.03.

As stated in that action, the Examiner believes that newly inserted claims 15-22 are directed to a different invention that were prior claims 1-14, the latter having been canceled by that amendment. In that regard, the Examiner opines that the prior claims are directed to "converting a first type of data to a second type of data", while the new claims are directed to "connecting a first user terminal to a second user terminal". Moreover, the Examiner notes that the new claims also recite the limitations of: "forming, in a server, a web page containing a media player associated with the second data type, the activation code and an address of the platform" and

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"signifying that the user has invoked the media player"
which were not recited in the prior claims.

As the Examiner will soon see, both the prior claims 1-14 and the new claims 15-22, including as now amended, are directed to the same invention, namely converting one data type to another. The principal differences between these two claim sets are the new claims recite a physical environment in which that conversion takes place -- an environment missing from the prior claims, and the new claims are admittedly narrower than the prior claims.

In response to the Office Action, the undersigned attorney conducted a telephone interview with the Examiner on January 7, 2008 and which commenced at approximately 1:45 PM EST. The undersigned sincerely thanks the Examiner for all the courtesies extended during that interview and particularly the opportunity to discuss this issue. As a result of the interview during which the undersigned advanced the following argument -- though in the context of claim 15 as it then stood unamended, the Examiner requested the Applicant to submit the argument in a written response which would afford the Examiner a better opportunity to carefully consider the argument, as well as if necessary consult with appropriate individuals in the PTO, than otherwise. This response is the result.

While the Applicant believes that the claim 15, as it stood prior to this amendment, clearly recited the nature of the present invention, nevertheless, after very careful reflection of this claim, the Applicant has now slightly

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amended the preamble of this claim to remove possible ambiguity between what is the nature of the invention and its field of use.

By way of background and as discussed on page 16 of the November 9 amendment, new independent claim 15 recites a method suitable for use in a telecommunications network for handling communication between two user terminals and where a user at one terminal is providing data in one data type, and through the method the data is converted and provided, in a second data type, to a another terminal for rendering thereat. The method recites certain signaling and communication of particular information among the user terminals, a server and a service platform, all connected to the network, and particular operations performed with the server and the platform.

The continuity of the same basic invention across claims 1 and 15 (as the latter stands amended) becomes quite evident by simply comparing their respective preambles, on a side-by-side basis, as shown in the following table. To highlight this continuity, the Applicant has underlined language in both preambles that recites the same basic invention: a method of converting data of one type to another. By doing so, the Examiner can appreciate this continuity apart from the added language imposed by the hardware environment recited in the preamble of claim 15.

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Claim preambles

Claim 1	Claim 15
<u>Method for converting a first type of data (10) into a second type of data (15) comprising the steps of:</u>	In a telecommunications network communicatively connecting a first user terminal associated with an originating network-user and second user terminal associated with a receiving network-user, <u>a method for providing input data of a first data type</u> , entered by the originating network-user through the first user terminal, <u>as output data, of a second data type</u> , to the second user terminal for display thereat to the receiving network-user, the method comprising the steps of:

Where the preambles of claims 1 and 15 principally differ is that the latter preamble recites a telecommunications network environment in which the invention is embodied -- the inclusion of this environment being necessary for that claim to recite statutory subject matter and hence comply with the requirements of 35 USC § 101 (under which the Examiner imposed a rejection in the prior Office Action mailed August 9, 2007 (Paper No./Mail Date 20070706-A)).

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While the Examiner correctly recognized that claim 15, as first submitted, contains limitations in the body of the claim, i.e. "forming, in a server, a web page containing a media player associated with the second data type, the activation code and an address of the platform" and "signifying that the user has invoked the media player" not found in claim 1, these limitations merely narrow the breadth of claim 15 without altering the nature of the invention. The invention, whether, as recited in claim 1, or as recited now in claim 15, remains a method of providing data in a first type as data in a second type, i.e. converting data from the first to the second types.

Similarly, should the Examiner undertake the same comparison between the preambles of claim 1 and claim 15, as the latter stood prior to this amendment, the Examiner will surely reach the same conclusion as above, namely, both of those claims also were directed to the same basic invention.

Therefore, the Applicant submits that even though claim 15, as originally submitted in the November 9, 2007 amendment, recited the same basic invention as did claim 1 hence causing that amendment to comply with MPEP § 821.03, that same amendment, as it now stands supplemented, certainly is so compliant. Hence, the Examiner should now enter and consider that amendment, as now supplemented.

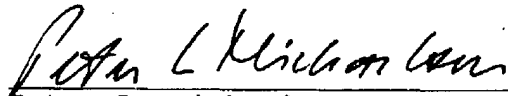
Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

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Nevertheless, if after carefully considering the above, the Examiner still believes that the preamble of claim 15, as it now stands, is directed to a different invention than was claim 1, the Examiner is invited to telephone the undersigned such that agreement can expeditiously be reached on suitable amendments to that preamble such that prosecution of the present application can be appropriately and promptly advanced.

Respectfully submitted,

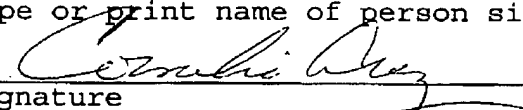
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Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265
(732) 542-7800

MICHAELSON & ASSOCIATES
Counselors at Law
P.O. Box 8489
Red Bank, New Jersey 07701-8489

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